

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 68**

Introduced by Wallman, 30; Adams, 24; Avery, 28; Cornett, 45;  
Harms, 48; Karpisek, 32; Lathrop, 12; Louden, 49;  
Stuthman, 22.

Read first time January 8, 2009

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to developmental disabilities; to amend  
2 section 83-1201, Reissue Revised Statutes of Nebraska;  
3 to provide procedures for closure of certain facilities;  
4 to harmonize provisions; to repeal the original section;  
5 and to declare an emergency.  
6 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 83-1201, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           83-1201 Sections 83-1201 to 83-1226 and section 2 of  
4 this act shall be known and may be cited as the Developmental  
5 Disabilities Services Act.

6           Sec. 2. (1) The department shall not close any  
7 state-owned or state-operated facility that provides residential  
8 services to persons with developmental disabilities without  
9 specific legislation directing closure. If the department intends  
10 to seek legislation directing it to close any such facility,  
11 the department shall provide written notice at least sixty days  
12 prior to the next legislative session of its intent to close the  
13 facility:

14           (a) To the Clerk of the Legislature; and

15           (b) By registered mail, to each resident of the facility,  
16 his or her immediate family, if known, and his or her guardian.

17           (2) The notice shall include:

18           (a) Estimated timelines for the implementation of the  
19 closure of the facility;

20           (b) The types and array of available and accessible  
21 community-based services for persons with developmental  
22 disabilities who reside in the facility;

23           (c) The rights of persons with developmental  
24 disabilities;

25           (d) The process used to develop a community living plan

1 for persons with developmental disabilities who reside in the  
2 facility;

3 (e) Individual and community monitoring and safeguards to  
4 protect health and safety; and

5 (f) The process to be used to transfer ownership of the  
6 facility or the state's plan to reuse the property.

7 Sec. 3. Original section 83-1201, Reissue Revised  
8 Statutes of Nebraska, is repealed.

9 Sec. 4. Since an emergency exists, this act takes effect  
10 when passed and approved according to law.